



OKLAHOMA NATIONAL GUARD  
**JOINT FORCE HEADQUARTERS**  
3501 MILITARY CIRCLE  
OKLAHOMA CITY, OKLAHOMA 73111-4398  
(405) 228-5000 or DSN 628-5000

OKHRO-ES

31 October 2005

MEMORANDUM FOR Civil Service Employees Entering Military Active Duty

SUBJECT: Information for Employees Entering Military Active Duty

1. Employees must be in an appropriate leave status from their civilian position while on active duty. Appropriate leave includes: military leave, annual leave, compensatory time, credit hours, and LWOP. In addition, Active Guard Reservists (AGR) may be eligible for special military technician leave as explained below. In accordance with the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994, employees interrupting a period of civilian employment to perform military duty will be placed on Leave Without Pay-Uniformed Services (LWOP-US) unless they choose to be separated (Separation-US). A *Request for Personnel Action* SF 52-B requesting LWOP-US/Separation-US must be submitted with a copy of the active duty orders. A SF 52-B is required for all periods of LWOP-US regardless of the duration. The following is designed to provide information regarding your options. Notify your timekeeper if you wish to use any authorized leave.

2. **MILITARY LEAVE:** If you elect to Separate-US, you may use accrued military leave prior to the Separation-US. If you elect to be placed on LWOP-US, you may use accrued military leave at any time during the LWOP-US period. You may also be eligible to use an additional 44 workdays of military technician leave if you are participating in non-combat operations outside the United States, its territories and possessions. The active duty must be performed under 10 USC 12301(b) (ordered to active duty, without the consent of the persons affected, for not more than 15 days a year) or 10 USC 12301(d) (ordered to active duty with the consent of the persons affected). You must be active duty without pay for all workdays on which this special leave is used; you should convert to active duty with pay on non-workdays.

3. **ANNUAL LEAVE:** You may use accrued annual leave at any time during an LWOP-US period, you may choose to receive a lump-sum payment for the balance of unused annual leave upon entry into active duty military service, or you may carry over the annual leave until you are restored to civilian status. You will not earn additional annual leave while you are in LWOP.

4. **SICK LEAVE:** Your sick leave will be held in your leave account until you return to Federal civilian service. You will not earn additional sick leave while you are in a LWOP status, and you cannot use sick leave while on active duty.

5. **LIFE INSURANCE:** Your Federal Employees Group Life Insurance (FEGLI) coverage continues at no cost for up to 12 months in non-pay status.

6. **HEALTH BENEFITS:** Your enrollment in the Federal Employees Health Benefit (FEHB) Program will continue for up to 18 months in non-pay status unless you elect to terminate it; initial the appropriate space on the attached checklist and return it as directed. If you do not terminate your enrollment, you will be liable for the normal employee share of the premiums for the first 365 days of non-pay status. Payment of the FEHB premiums may be made on a current basis to your servicing payroll office or may be recouped from your salary when you return to duty. Cash payments for FEHB premiums should be made by check or money order payable to Deputy Director for Finance and mailed to the DFAS location shown on your civilian leave and earnings statements. A letter explaining the purpose of the cash payment should accompany the check or money order. Also, include your social security number on all correspondence. If the period of LWOP extends past 365 days, premiums for the remaining six months of this entitlement will equal 102% of the full subscription charge (the employee share, the Government share, plus an additional 2%) and must be paid on a current basis to DFAS.

a. If you choose to terminate FEHB coverage effective with your entry on active duty (initial the appropriate space on the attached checklist), your health benefits coverage can be reinstated when you are restored to your civilian position. This is not considered a break in coverage, and the period of time on LWOP-US or Separation-US counts toward the 5 years of coverage required for retirement purposes if you are covered by Tricare/CHAMPUS during the entire absence.

b. If you choose to continue FEHB coverage and later cancel, it may be considered a break in coverage for retirement purposes depending on whether or not you were also eligible for Tricare/CHAMPUS during the entire period of absence.

c. Please indicate your decision regarding FEHB coverage on the checklist attached to this notice. If you are on extended active duty that lasts more than 30 days, you and your family are eligible for Tricare/CHAMPUS benefits. Contact your Tricare representative for additional information.

d. If you do not elect one of these options by certifying and returning the attached checklist within 31 days, your FEHB coverage will automatically continue.

e. If you are placed on active military orders in support of a contingency operation as defined in 10 USC 101(a)(13), the Federal Government could pay for your FEHB while on active duty. Since the mission changes, check with OKHRO-ES to find a current list of contingency operations that authorize the Government to pay the

employee's portion of the FEHB. In order to be eligible, individuals must meet the following criteria:

(1) Be enrolled in FEHB and elect to continue that enrollment.

(2) Be a member of a Reserve component of the armed forces. The Reserve components are: The Army National Guard of the United States, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve and the Coast Guard Reserve.

(3) Be called or ordered to active duty (voluntary or involuntarily) in support of a contingency operation as defined in 10 USC 101(a)(13).

(4) Be placed on leave without pay or separated from service to perform active duty.

(5) Serve on active duty for a period of more than 30 consecutive days.

NOTE: If you are in an active pay status (i.e., Annual Leave, Military Leave), you will pay for your FEHB premiums for that pay period.

The maximum period of eligibility for each period of active duty is 24 months. Members of the Army or Air National Guard ordered to duty under 32 USC or any provision of state, territorial or District of Columbia code are not eligible.

7. **THRIFT SAVINGS PLAN (TSP):** No contributions can be made to the TSP while on LWOP or separated. However, if you are restored to a civilian position, you may elect to make up TSP contributions for all or part of the period of your military status. The TSP Fact Sheet, *TSP Benefits that Apply to Members of the Military Who Return to Federal Civilian Service*, explains this new benefit in more detail.

8. **RETIREMENT SERVICE CREDIT:** An employee who is placed on LWOP-US continues to be covered by the retirement law and is eligible for death or disability benefits under the applicable retirement system. Employees choosing Separation-US are not eligible for disability benefits. Survivors of employees who have separated from Federal service and die before electing a refund of retirement withholdings are eligible for survivor benefits paid upon the death of a former employee - this may or may not include a survivor annuity.

a. If you are a Civil Service Retirement System (CSRS) employee first hired before 1 October 1982, this period of LWOP for military duty is creditable toward potential civilian retirement and annuity computation without making a service-credit deposit, however, if you choose not to make a deposit to cover this period of service, your

annuity will be recomputed to take out credit for this service when you turn 62 if you are also eligible for Social Security at that time. You may ensure continued retirement credit for military service by making a service credit deposit. If the active duty service is in 1999, the deposit will be the lesser of 7.25 percent of your military earnings or the amount of actual CSRS deductions which would have been withheld from your civilian salary had you remained in your current position. The deposit amount for active duty service beginning in January 2000 will increase to 7.4 percent, and in January 2001 to 7.5 percent.

b. If you are a Civil Service Retirement System (CSRS) employee first hired after 30 September 82, this period of LWOP for military duty is creditable toward potential civilian retirement only if you make a service-credit deposit to cover this period of service. If the active duty service is in 1999, the deposit will be the lesser of 7.25 percent of your military earnings or the amount of actual CSRS deductions which would have been withheld from your civilian salary had you remained in your current position. The deposit amount for active duty service beginning in January 2000 will increase to 7.4 percent, and in January 2001 to 7.5 percent.

c. If you are a Federal Employee Retirement System (FERS) employee, this period of LWOP for military duty is creditable toward potential civilian retirement only if you make a service-credit deposit to cover this period of service. If the active duty service is in 1999, the deposit will be the lesser of 3.25 percent of your military earnings or the amount of actual FERS deductions which would have been withheld from your civilian salary had you remained in your current position. The deposit amount for active duty service beginning in January 2000 will increase to 3.4 percent, and in January 2001 to 3.5 percent.

9. **ACTIONS TO BE PROCESSED WHILE YOU ARE IN MILITARY STATUS:** Any pay adjustments, within-grade increases, and promotions to which you are entitled during your absence will be processed upon your restoration. You are entitled to consideration for promotions as though you remained in your current position. If you receive a promotion while in military status, your reemployment rights will be to the position you are promoted to.

10. **RESTORATION RIGHTS:** In accordance with the provisions of USERRA, Department of Defense employees who are absent from a position of employment by reason of service in the uniformed services shall be entitled to reemployment rights if, (1) they gave advance written or verbal notice of the active service to their employer, (2) the cumulative length of this and all previous absences from DoD employment for military service does not exceed 5 years, and (3) they report to or submit an application for reemployment. In some instances, the period of service is exempt from the 5-year cumulative limit; in these instances the active duty orders should cite the specific statutory reference covering the exemption. The eight

categories of service which are covered by USERRA but exempt from the five-year limitation are:

a. Service required beyond five years to complete an initial period of obligated service (38 USC 4312 (c)(1)).

b. Service from which a person, through no fault of the person, is unable to obtain a release within the five-year limit (38 USC 4312 (c)(2)).

c. Required training for reservists and National Guard members (38 USC 4312(c)(3)).

d. Service under an involuntary order to, or to be retained on, active duty during domestic emergency or national security related situations (38 USC 4312(c)(4)(A)).

e. Service under an order to, or to remain on, active duty (other than for training) during a war or national emergency declared by the President or Congress (38 USC 4312(c)(4)(B)).

f. Active duty (other than for training) by volunteers supporting "operational missions" for which Selected Reservists have been ordered to active duty without their consent (38 USC 4312 (c)(4)(c)).

g. Service by volunteers who are ordered to active duty in support of a "critical mission or requirement" in times other than war or national emergency and when no involuntary call up is in effect (38 USC 4312 (c)(4)(D)).

h. Federal service by members of the National Guard called into action by the President to suppress an insurrection, repel an invasion, or to execute the laws of the United States (38 USC 4323(c)(4)(E)).

11. If your period of active duty is for more than **180 days**, you must apply for reemployment within **90 days** of your release from the service and your separation must be under honorable conditions. You may submit a letter to your servicing Human Resources Office advising them of the date you were/will be separated from active service. You are also allowed to return to your civilian position while on military terminal leave, if you so desire. You will be reemployed to your last permanent position only if that position is vacant at the time of your reemployment. If you cannot be reemployed in that position, we will assign you to an equivalent vacant position for which you qualify. If a suitable vacancy does not exist, you will only be entitled to displace an employee occupying a continuing position under a temporary appointment. If there is no such position available in the commuting area, your reemployment rights will be extended throughout the Oklahoma National Guard. If this effort is unsuccessful, your name will be submitted to the Director, Office of Personnel Management, who

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will ensure you are offered a position of like seniority, status and pay nationwide.

12. If your period of active duty is for more than **30 days** but less than **181 days**, you must submit an application for reemployment (or a letter as explained in the above paragraph) not later than **14 days** after the completion of the period of service or if submitting such application within such period is impossible or unreasonable through no fault of your own, the next first full calendar day when submission of such application becomes possible.

13. If your period of active military service is for less than **31 days**, you must report not later than **the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service** and the expiration of eight hours after a period allowing for your safe transportation from the place of service to your residence; or as soon as possible after the expiration of the eight-hour period referred to above if reporting within the period above is impossible or unreasonable through no fault of your own.

14. Any questions may be directed to the **Oklahoma Military Department, Attn: OKHRO-ES, 3501 Military Circle, Oklahoma City, OK 73111-4398** or by calling (405) 228-5527 or DSN 628-5527.

15. Please also remember to complete and sign the attached checklist and submit it with your SF 52-B and Active Duty orders to OKHRO-ES. When an employee is placed on LWOP-US, a SF-52-B for Return to Duty is to be submitted to OKHRO-ES at the time the employee is to return to duty.

FOR THE ADJUTANT GENERAL:



JAMES R. BAXTER, II  
First Lieutenant, Oklahoma Air  
National Guard  
Human Resources Specialist

Attachments:  
Checklist

**Checklist for Employees Entering Extended Military Active Duty**

**Complete and Return with SF-52-B and Active Duty Orders to OKHRO-ES**

**I want to be:** (Please initial your election)

\_\_\_\_\_ Placed on LWOP-US. **If I request Advanced Annual Leave to be used at any time during this active duty tour, I will notify OKHRO-ES immediately.**

- OR -

\_\_\_\_\_ Separated, effective \_\_\_\_\_

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**Annual Leave:** (Please initial your election)

\_\_\_\_\_ I want to leave my remaining annual leave to my credit or I will use it during my Active Duty tour. **If I wish to use the leave, I will contact my timekeeper.**

- OR -

\_\_\_\_\_ I have a balance of annual leave that I would like to be paid in a lump sum.

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**Health Benefits:** (initial one continue/terminate; if not returned, coverage continues)

\_\_\_\_\_ I elect to continue my FEHB coverage during this period of LWOP. (check one)

\_\_\_\_\_ I plan to make current payments directly to DFAS.

\_\_\_\_\_ I want to incur a debt to be paid upon my return.

Current payments must be made for continued coverage after the first 365 days.

\_\_\_\_\_ I am eligible to have the Federal Government pay my portion of my FEHB and I certify that I am on active duty for a contingency operation as defined by 10 USC 101(a)(13)

- OR -

\_\_\_\_\_ I elect to terminate my FEHB coverage during this period of LWOP. I understand that it is my responsibility to reinstate my FEHB coverage upon my return to duty. **Submit a SF-2809, Health Benefits Registration Form.**

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**FEGLI:** (Please initial your acknowledgement)

\_\_\_\_\_ I understand that my FEGLI coverage will continue at no cost for up 12 months.

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**Retirement:** (Please initial your acknowledgement in the appropriate option)

\_\_\_\_\_ (FERS and CSRS hired after 30 September 1982) I understand that a military deposit is required to receive credit for this period of military service toward my civilian retirement.

\_\_\_\_\_ (CSRS first hired before 1 October 1982) I understand that, if I am eligible for Social Security at age 62, a military deposit is required to ensure continued credit for active duty military service after age 62 in the computation of my retirement annuity.

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**American Equity Technician Insurance Program (Vulcan Life):** (initial one continue/terminate; if not returned, coverage continues)

\_\_\_\_\_ I elect to continue my Vulcan Life coverage during this period of LWOP.

(check one)

\_\_\_\_\_ I plan to make current payments directly to Vulcan Life.

\_\_\_\_\_ I want to incur a debt from Vulcan Life to be paid upon my return.

- OR -

\_\_\_\_\_ I elect to terminate my Vulcan Life coverage during this period of LWOP. I understand that it is my responsibility to reinstate my Vulcan Life coverage upon my return to duty.

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**Thrift Savings Plan:** If you are restored to your civilian position, you may make retroactive contributions and elections. I understand that I will need to contact my personnel office to make retroactive TSP contributions and elections.

\_\_\_\_\_ I currently have a TSP loan. The loan number(s) is (are):

\_\_\_\_\_ , \_\_\_\_\_ .

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The above constitute my elections for the period of active duty beginning \_\_\_\_\_. I understand that I must notify my supervisor or the HRO when my tour is completed.

Printed name/SSAN: \_\_\_\_\_ / \_\_\_\_\_

Signature/Date: \_\_\_\_\_ / \_\_\_\_\_

Home address: \_\_\_\_\_  
\_\_\_\_\_



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